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Diagram of a Modern Law Suit

OR

A Satire on Trial by Jury

A Poem

BY

Geo. W. Bailey

OF THE

ST. LOUIS BAR

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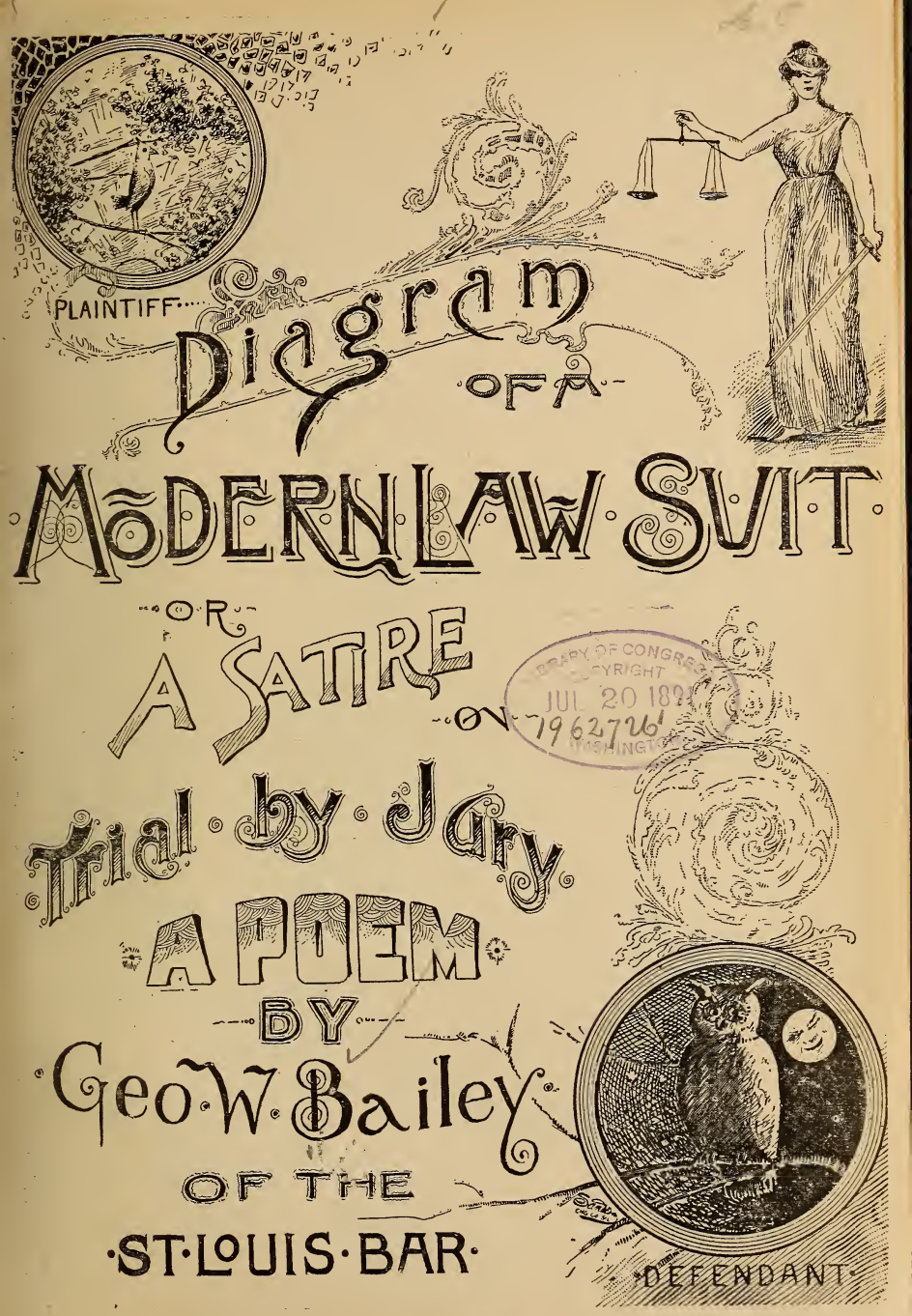

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TITMOUSE *versus* OWL.—THE TRIAL SCENE.—LAWYER CROW ADDRESSING THE JURY. (Designed by the Author.)

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Introductory.

THE objects in presenting this "Diagram or Satire" to the public is to illustrate the GLORIOUS UNCERTAINTY OF FACTS, sometimes popularly and erroneously designated as the Glorious Uncertainty of the Law.

To illustrate some of the difficulties in the way of FINDING facts in Civil Causes under the present General JURY SYSTEM by twelve persons naturally and widely differing in character and sentiments, under the delusive requirement, or expectation, that EACH will intelligently, independently and impartially agree with the othe eleven, and together "a true verdict render according to the evidence."

To portray certain classes of Lawyers and Litigants who bring reproach upon the Honorable Profession and Practice of the Law, and who seek, under False Colors, to reap the Rewards of Merit.

But even if this little volume shall afford its reader entertainment or pleasure during some leisure hour which might otherwise have dragged heavily, or proved dull, one object of the author will have been accomplished.

GEO. W. BAILEY.

ST. LOUIS, August, 1891.

Dedication.

TO THE MEMBERS OF THE AMERICAN BAR AND BUSINESS CIRCLES who can discover in this "Diagram or Satire" nothing sufficiently "polished" to cast reflections upon themselves, this little volume is, with some misgivings, respectfully dedicated.

By the Author,

GEO. W. BAILEY.

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Dramatis Personæ.

I.—THE OFFICIALS.

THE COURT, - - - - - - *Judge Eagle.*
THE CLERK, - - - - - - - - - *Tom Turkey.*
THE SHERIFF, - - - - - - - - *A. Falcon.*

II.—THE PARTIES.

PLAINTIFF—
O'Day Titmouse.

DEFENDANT—
A. Knight Owl.

III.—THE ATTORNEYS.

FOR PLAINTIFF.
"Hon." Blackstone Crow,

FOR DEFENDANT.
"Col." Mansfield Raven,

IV.—THE JURY.

A. Gray Squirrel,
U. Chase Coon,
P. Greene Frog,
O. Littell Wren,
Blackwell A. Jackdaw,
Reynard Fox,
Senter I. Polecat,
C. Golden Robbin,
Fowler Mink,
A. Field Rat,
Waters Kingfisher.
Seymour Bat.

V.—THE WITNESSES.

FOR PLAINTIFF.—*Messrs. Jay, Black-bird, Hawk, Mocking-bird, Swallow, Red-bird, Pigeon, Blue-bird, Yellow-bird, Rail, Woodpecker, Dove, Sparrow, Quail.*

FOR DEFENDANT.—*Messrs. Whippoorwill, Cricket, Oppossum, Katydid, Mouse, Weasel, Ferret.*

Diagram of a Modern Law Suit,

—OR—

A Satire on Trial by Jury.

BY GEO. W. BAILEY, OF THE ST. LOUIS BAR.

I.

The Grievance.

With yearnings, like the human race,
One *Titmouse* dreamed he had a case
Against one *Owl*, neighbor, by right,
For constant hooting through the night.

II.

Consultation—Titmouse and Crow.

So forthwith did this Titmouse go
With his complaint to *Lawyer Crow*,
Who wisely rolled his eyes about,
And said "Just cause beyond a doubt;

"Laws are useless, lawyers geese,
Unless disturbance of the peace
From such offense he surely found;
With cases clear the books abound.

"Now you and I must manage so
That we shall here great damage show,
For such wild hootings through each night
That put your dreams and sleep to flight.

"But this old Owl will ne'er stand fight;
A Church Member in such a plight!
Our awful charges, without doubt,
Will cause him to at once Shell Out!

"The difficulty's here," said Crow,
"Below Police Courts I ne'er go;
If all our earnings we can pool
Exception I'll make to my rule."

Then Titmouse said, "I'll yield the point,
And when Old Owl's knocked out of joint,
And cash or damages you get,
We'll have a square divide, you bet."

III.

The Cause of Action.

So Crow the cause of action drew,
Then to *Judge Eagle's* court he flew
With case of Titmouse *versus* Owl,
"Great damages for nightly howl."

Petition then went on to state
That through these nights, early and late,
"Said Owl said Plaintiff's peace disturbed
With hideous hootings never heard

"Before upon this mundane sphere,
As if the fiends below were near
To banish rest and bring dismay
By sounds too horrible for day!

"Concealed in hollow tree, elate,
Said Owl for Titmouse lay in wait,
Maliciously slept through daylight
So he could pester Tit. by night.

"And thus, throughout the said long nights,
Said owl created said affrights,
And greatly damaged plaintiff's health;
Ten Thousand Dollars worth, in wealth!

"Wherefore the plaintiff prays relief
In damages for his said grief
Which from said premises do flow:"
"Signed, *Titmouse* by his lawyer, *Crow*."

IV.

The Court and Sheriff.

Then Eagles' Court, at suit of Tit.,
To summon Owl, did issue writ;
"Whereas Titmouse hath entered suit
Against one Owl for hideous hoot,

"And for great damages doth pray;
Now, therefore, you, without delay,
Sheriff Falcon we do command,
Shall summon Owl, and with your hand

"Shall make return upon this writ,
When, where and how you have served it,
In order that said court may learn
If Owl be served for our next term."

To serve the Owl "without delay"
The sheriff sought for many a day,
Until through darkness he saw light,
To serve defendant in the night.

V.

Consultation—Owl and Raven.

When Owl got notice of the suit,
He uttered one indignant hoot,
And instantly made up his mind
To "very best" attorney find!

Of *Parrot* and *Magpie* he had heard
That each was a good talking bird,
He chose inferior *Raven*, though,
He wanted one to match that Crow.

The Raven the Owl's statement heard,
Then gravely croaked "Tis quite absurd
That you have done a legal wrong
Because Titmouse don't like your song.

"And as to nights you need but say
What's night to him to you is day.
Big *Counterclaim* that gives us—see?
And you just leave the rest to me.

"As for this *Mr. Lawyer Crow*,
Of whom I've heard, but do not know,—
The pettifogger I would shoot
Who'd bring against *me* such a suit!

"Behind all this there is much back,
Crow's reputation is quite Black,—
Indeed 'twould be a novel sight
If one could find a Black Crow, White!"

"Crow with his tongue as with a sword,
Commands the *Yahoos* of his ward;
All parties *Press* for votes, you know,
Hence the "Great *Yahoo* Lawyer, Crow."

"On tide of politics and stench,
This Crow was once tossed on the bench:
"Of colors *one* all tickets lack,"
Hence *scum* was chosen that was Black.

"And it's a general belief
That Crow's a most consummate *thief!* —
Robber of nests!—leaves homes forlorn;
Oft' convicted of stealing corn!

"Crow's of a gang that makes great *caws*
While threat'ning Terrors of the Laws!
Of Bogus Terrors Crow's the star, —
The premium Scare-crow of the bar.

"Crow's gang, in conclave, makes such fuss,
That each crow seems a small Caw-cuss,
The *caws* thereof who looks, perceives
Crow's caucus of the Forty Thieves!

"Crow knows quite nothing of our laws,
Yet all who seek him hear great *caws*
Why suits for damage should be brought;
That crow is mighty!—law is naught.

"The bar Crow's most attended here,
Keeps wines and liquors, ale and beer;
Judge Eagle, as all truly know,
Looks with contempt upon this Crow."

"True, at banquets where fine wines flow,
As 'Eagle' we must toast this Crow,
And thus the truth and justice mar,
Compelled by *ethics* of the bar.

"We'll get a microscope to see
Titmouse—no bigger than a bee,
And how 'twill make the jury howl
To contrast such a *gnat* with Owl!

"We'll skin this Titmouse, head to tail,
And prove his suit but pure Black Mail!
And now, that you and I agree,
The little matter of my fee?

"We'll settle now, as you will gain
So much by service you retain.
Thanks; there's receipt—you see I'm fair;
I like to deal with owls who're square."

"For *you* Iv'e waived my rule, you know,
Above Police Courts I ne'er go,
Except in special cases where
Wise Owls and Big Fees force me there."

VI.

Owl's Answer.

The Raven then Owl's answer drew;
Denied Tit's matter—set up new.
"Said Owl denies that in said nights
Said hootings put said dreams to flights,

"Banished said rest, brought said dismay,
Avers he hooted in the day
When all his family and friends
Were all astir for business ends,

"But Titmouse, on alleged each night,
Which Owl calls *days*, came home quite tight,
And all day roosted in his tree
Recov'ring from an all-night spree,

"And boosy, blinked from dizzy height,
Too drunk to tell the day from night,
And when Owl's real nights did appear
Said Titmouse opened his career

"With low, sarcastic, twitt'ring sounds,
Flutterings, leaping without the bounds
Of decency or respect for those,
Who, in said night, sought said repose.

"Advantage took of his moonlight,
Which well he knew destroyed Owl's sight;
Leaped on Owl's tree, himself to shake,
And chirped, 'Come, Owl, it's time to wake!'

"Then bracing up on Owl's tree trunk,
He leering, squeaked, 'Owl must be drunk!'
Thus on Owl's tree he broke Owl's peace,
And trespassed where Owl claimed a lease.

"Noisy by night, boozy by day,
Said Titmouse chased said Owl away,
And forced him, when he could not see,
From home and nest in hollow tree,

"To fly, bewildered, through each night
To seek refuge from Titmouse, tight.
Hence Owl's for damages inclined
For constitution undermined!

"We don't call Titmouse a Dead Beat,
But move for Costs so he can't cheat,
If he don't prove his charges foul."
Signed: "Raven, for defendant Owl."

VII.

Crow's Replication.

Crow's Replication, filed in time,
Traversed the statements, line by line,
In Answer of New Matter spun,
Denying each and every one.

Then followed Motions to Amend,
Demurrers, quibbles without end,
Moves to strike out all that or this,
So many things had gone amiss,

Motions More Definite to make
The pleadings, or to judgment take,
'Til through mass of legal tissue
Pleadings were at last—At Issue.

VIII.

Consultation—Titmouse and Crow.

Said Crow to Tit., "We're in a plight!—
Raven has coaxed that Owl to fight!
Of Raven I have often heard,
His pretences are quite absurd.

"And since rich foreigner, *Miss Rook*,
He wed, by mystic hook or crook,
For Corporations *snide* he croaks,
All managed by his wife's rich folks.

"Of course, contemptuously of me
They say he speaks, but don't you see?
The Sucker caught in golden net
Feels raised above a Trout that's wet.

"Bird that's by golden thread ensnared,
Despises bird in freedom paired.
A Rook'ry in this Gilded Age,
Is called a Raven's Golden Cage!

"With croaking, rasping, horrid voice,
With Carrion his dainty choice,
With swearing, stealing, getting tight,
His character's as Black as night!

"This coarse, and ill-bred sot, at best,
Was once an uninvited guest,
And ere the shocked host could mistrust,
Stalked in and got on a Big Bust!

"The owner the intruder spied,
And with indignant voice he cried;
'*Go*! Wretch! Robber! Murderer! Thief! Bore!'
But, Raven, drunk, croaked, '*Nevermore!*'

"This is no crazy poet's tale,
But solemn truth—though somewhat stale;
In court these facts I'd clearly show
By witness Edgar Allan Poe.

"For Party's cause the Press referred
To Raven as the 'Nation's Bird!'
The Foreign Element not to lose,
Nor scavenger for filthy news.

"In court and club, of course you know,
We call this Raven 'White as snow.'
Bar Etiquette precludes a fight
By calling many Black things White."

IX.

The Trial.

The case now coming on for trial,
And justice prayed without denial,
Court, as in duty bound to do,
Summoned Jury—good men and true.

Then Sheriff took venire writ,
Served right and left, as he saw fit,
Excuses wild for answer got
"Hereof at peril, fail you not!"

A queer, mixed crowd—a fine job lot—
From Body Politic was got
To try this Celebrated Cause
Of Facts entangled with the Laws.

Obeying now this awful writ,
And in the jury box to sit,
Came the impartial "good and true"
Sworn duty fearlessly to do.

X.

The Jury.

"We'll open court!" Judge Eagle called;
Then Sheriff, with his "Extra," bawled;
"Oyez! Oyez! Mighty indeed,
Whose rulings all the nation's heed,

"This High Court's now in grandeur spread!"
"Call the jury," Judge Eagle said.
Then Sheriff yelled to the appalled:
"Jurors will answer names when called,

"And take seats in the jury box!"
Then called, "*Squirrel*, *Coon*, *Frog*, *Wren*, *Fox*, *Jackdaw*, *Polecat*, *Robbin*, *Mink*, *Rat*,"
Twelve made with *Kingfisher* and *Bat*.

These were the fair twelve not refused,
Nor by the Court were they excused;
Knew nothing of the present case;
Met neither party any place;

Nothing of Owl's said hootings heard,
In papers none had read a word.
Both sides accept the twelve with greed;
Perfect jury—not one could read

XI.

The Clerk.

"Swear the jury!" Judge Eagle said;
Then Clerk *Tom Turkey* rose and spread:
"You'll each, on oath which all must bind,
A *verdict*—and a *true* one—find;

"Mind only what you see and hear,
Not what you think, or feel, or fear;
With *truth*—not creed—your hearts will throb
You each do swear,—so help you *Bob!*"

On jury sworn now all rely,
The issues well and true to try,
'Twixt plaintiff Titmouse, sitting here,
And Owl, defendant, sitting there.

Croaked Crow: "This jury's time to save
My opening statement I will waive."
Then added, with a radiant face,
"My *witnesses* will state my case—

"So, Mr. Sheriff, one and all,
The witnesses for plaintiff call."
Then Sheriff Falcon loud proclaims:
"Witnesses answer to your names!"

XII.

Plaintiff's Witnesses.

Then calls the list: "*Jay, Blackbird, Hawk, Mocking-bird, Swallow, Red-bird, Stork, Pigeon, Blue-bird, Yellow-bird, Rail, Woodpecker, Mole, Dove, Sparrow, Quail.*"

"All here but *Stork* and *Mole*, not found,"
The Sheriff said. Then with a bound,
Croaked Raven, puffed with pride and gall,
"*Defendant's* witnesses please call."

The Sheriff called, then *Whippoorwills*,
And *Crickets* brought from neighboring hills,
'*Possums*, *Katydids*, *Mice*, arise,
Weasels, *Ferrets*, with blinking eyes,

In sunlight did quite well comport,
And answered to their names in court.
Then with dramatic strut and face
Crow read the Pleadings in the case.

Then Clerk *Tom Turkey* once more spread;
"All witnesses be sworn," he said,
Then all arose, a mixed-up crowd,
While red-faced Tom. gobbled aloud;

"Each one will raise his paw or wing,
And take the little oath I'll sing!
You each do swear you'll tell no lie,
And only truth will testify,

"And e'en though jurors sleep or nod,
Awake you'll all keep, S'elp-you-God!—
Let none from court room fly or crawl,
Each witness in his turn we'll call."

XIII.

The Evidence.

TESTIMONY FOR PLAINTIFF.

The list for plaintiff testified
That they near Titmouse did reside,
And that throughout these very nights,
Were 'wakened with terrific frights!

'Midst hideous hoots and howlings wild,
Heard Titmouse oft protesting mild,
In vain, against said hoots and howl,
Continued by defendant Owl.

Soft reasonings chirped in moonlight fair,
Were met by rude, insulting stare!
Mild protests twittered to said Owl
Were met by cold, unearthly scowl!

They knew Owl hid himself by day;
"That 'twas malicious—could not say.
Sleeping or stupid through daylight,
Owl was a Circus every night!"

Each one was sure 'twas in the night;
"Both moon and stars were very bright."
They had no wish this Owl to fleece,
But 'twas disturbance of the peace.

So with becoming ease and grace,
Crow proved up well the plaintiff's case.
The damages for hootings wild,
All agreed should not be mild.

Raven his client Owl much pleased,
By skillful way in which he teased
Each witness Crow put on the stand,
By cross-examinations bland.

XIV.

Raven's Cross-Examination,

Croaked Rav'n: "When Owl put dreams to [flight
You state the stars were very bright;
As you drank nothing worse than Tea.
Describe these stars that you could see."

Each said, "The stars were grouped on high,
Grand, sparkling wonders of the sky!"
"No doubt," Croaked Rav'n, "stars cluster wild."
"Describe these star groups—draw it mild!"

Some saw a *Great* and *Little Bear*;
Some swore of *Twins* they'ed seen a pair
Some a *Scorpion*, with claws and tail,
Others an *Archer*, strong and hale.

Some saw a *Bull* with blood-red eye,
Some saw a *Crab* craw-fishing sly.
Some saw *Great Fishes* in the swim,
A *Great* and *Little Dog* thrown in!

Some saw a *Dragon*, *Swan* and *Whale*,
Some a *Dolphin*, with fins and tail,
Some saw a *Ship* sailing in air;
Some, fleecy bunch of *Woman's Hair!*

Some swore one starry night o'er head
That they had seen an *Eagle* spread!
At this Owl's witnesses laughed 'loud.
Judge Eagle merely smiled and bowed.

Some saw a *Wolf* and *Goat* in Sky;
Some swore they'd seen a *Crow* on high!
Said smiling Crow, brought to his feet,
"But not a *Rav'n!*"—and took his seat.

Some saw fierce *Lion* keep the peace,
Some, a *Virgin* in starry fleece;
Some saw a *Ram*, with eye of fire,
While others swore they'd found a *Lyre!*

Croaked Rav'n, "A clear case of *shakes!*
Did you not also see the *Snakes?*"
Each answering, said: "No snakes saw I—
There was one *Serpent* in the sky!"

"That's right," said Rav'n, "the truth recall
Confess it though the heavens fall!
All know who such great wonders see,
Must go upon a first-class spree."

Croaked Raven, fallacy to prove,
"I'll ask, did these queer creatures move?"
All answered "yes" with equal zest,
"They slowly moved from east to west."

"Well, Claws or Wings were on these forms,
Did you not see, too, many *Horns?*"
"Yes, horns were no *Goat*, *Ram*, and *Bull;*
No horns were in the Moon —'twas *full!*"

"Well, *Dogs*, and *Goat*, and *Bull*, you say,
Were waltzing with fierce beasts of prey:
If these of addled brains weren't born,
Why were they not asunder torn?"

They answered, all, "We saw no row
With *Dogs*, or *Goat*, or this *Male Cow*,
But through the trees we did descry
Dead Trunks and Limbs against the sky!

"For Battle raged throughout that night;
Great Jupiter blazed in the fight;
Bright Hosts seemed led by Bloody Mars,
While sky was full of Shooting Stars!"

"Of course, wild shooting by Police!—
What caused this fierce, wild fire to cease?"
Some thought that, ceasing in an hour,
'Twas quenched by Meteoric shower.

"These wonders seemed so clear, alas!
Of course you viewed them through a Glass?"
"No, sir," each said, "no glass saw I,
But one *Great Dipper* hung in sky."

"Ah! ha!" said Rav'n, with wicked winks,
"'Twas from *Great Dipper* you took drinks?"
Each answered, "No, high as a *Crown*,
'Twas out of reach and upside down."

"What other traces do you find
These 'Horrors' left upon your mind?
If 'Horrors' is a word too wild,
We'll say 'Jim-jams,' and draw it mild."

Some saw *Great Bear*, shielding her *Cub*,
Growl at *Huge Giant* with a club!
Brave *Lady in her Chair* could scan
A horrid Beast—half horse, half man!

"Of course," croaked Rav'n, "you 'scaped the [*Bear*
By riding on a swift *Night Mare!*
Bad dreams are painful to recall;
I'll punish you no more—that's all."

Now Crow croaked, "Make your answers clear;
State *how* these creatures did appear."
Each said: "As clear, sir, to my eye
As Constellations in the sky!"

Then Crow arose and looked his best,
And said: "Your Honor, here we rest."
Then Raven 'rose, with pleasing face,
And stated the defendant's case.

XV.

Defendant's Case.

To jury croaked: "Aspersions foul
Are cast upon my client, Owl;
I hope no minds have been upset,
There's been but *one* side heard, as yet;

"If you'll attend with equal grace
You'll find *two* sides to each 'Clear' case.
Curtain that 'rose and fell on Night,
We'll now ring up on Bright Sunlight!

"You've seen Act First's dark scenes of Night,
Bespattered o'er with brain-star light,
And blooming genius nipped in bud
Where Tit. appeared as '*Gopher Blood.*'

"Crow, as *Iago*,—cunning, cool,—
Would this *Othello* jury fool—
Truth, as fair *Desdemona*, crush,
Then you must smother—Justice blush!

"In this next Act *day* follows night;
Dark Error flies before Truth's light!
Tragedian Owl will truth evince,
In his forced part: '*The Black, Mailed Prince.*'

"We'll show you from this witness stand,
The most abused Owl in this land!
We'll show you how, on mixed drinks tight,
This Titmouse mixed his days with night."

"We'll show you who these fellows are
Who swore with such assurance rare;
We'll show you falsehoods how to nail;
We'll show you case of Pure Black Mail!"

XVI.

Testimony for Defendant.

Owl's witnesses—a dusky band;
Though each one blinked upon the stand,
Yet when they swore of Nights and Days,
The case assumed another phase.

They, too, lived in this neighborhood
Where Owl had hooted through the wood,
And each one gravely on oath swore
He'd ne'er seen plaintiff's gang before!

"Impossible!" they all did deem,
That there they lived and were not seen,
"For in these woods they all were born,
And roamed in daylight, shine and storm."

These "Hootings wild" they all had heard,
Yet had not been the least disturbed,
As each one on his oath would say
"'Twas only in broad light of day!"

These "Hootings" were enchanting sound
That through the hollow woods resound;
"Rich music that the Owl endears
To all appreciative ears."

In good repute they all concurred,
Not one had ever heard a word
'Gainst Owl's good name; "He ne'er got tight
And came home early every night."

At sleeping time, each witness swore,
That Titmouse was an Awful Bore!
All well recalled that stormy night
When Titmouse put this Owl to flight:

Each heard it all—though none could see;
All thought Titmouse was on a spree.
"To wander forth in such a gale
Would peril constitution hale."

Then Raven croaked: "Call *Doctor Drake!*"
Who waddled forth, and thus he spake:
"To be exposed at such a time
Might constitution undermine;

"I've Owl examined in strong light,
And found his *eyes* did not seem right.
Exposure might have caused, I think,
Owl's tendency to stare and blink."

"Take the witness," said Rav'n to Crow.
Crow asked: "Now, Doctor, don't you know
That Drakes who're not choice Canvas Backs
Are rated here as Fourth Class Quacks?"

The Doctor said: "*One* thing I know;
I've often doctored Mr. Crow!"—
"That's all!" said Crow, with blushing face,
"My ailments are not in this case."

XVII.

Crow's Cross-Examination.

Crow each one cross-examined strong;
Owl's hootings were upheld as song,
And all these "Voices of the night"
Proclaimed these songs were in daylight.

Asked Crow: "This Sun that was so bright,
Did it not shed soft, silv'ry light?"
To first response they all stood true;
(It was the only Sun they knew!)

"Since Sun ne'er made your eyesight fail,
It's light was surely *soft* and *pale?*"
Their answers put things in clear light;
"The sun we saw was very bright.

"That sun that in the east doth rise,
And sets in west as daylight dies:
Queen of our day; a glowing ball
Whose bright light makes the shadows fall."

So Crow asked each, "State, if you please,
If some don't call your sun 'Green Cheese?'"
A "Green Cheese" sun none could recall:
"Our bright sun *rolls*—it does not *Crawl!*"

Pressed Crow: "This sun of silv'ry rays—
Had it not also many a *phase?*"
Each said: "Eclipses sometimes came;
It rose and set each day the same."

"Well did you see these bright stars,
Or planets Jupiter and Mars?"
All said: "*By* night their fires regale;
At our sunrise their glories pale."

"Don't some your sun 'Miss Luna' call?
Don't your sun make tides rise and fall?"
Some said: "Some Lunatics there be,
Your tides—we've never been to sea."

"Well, isn't your sun called 'Female' bright
Because she puts things in false light;
Reflects on neighbors, one by one,
And often darkens earth's bright sun?"

"Some would attractive things call 'She;'
'False Light' must *first* come from a 'He!"
Our sun ne'er reflects—by *remark*:
Earth's sun from his *own* spots grows dark."

"Is not your sun around us whirled,
A satelite of this small world?"
Some said: "*They say* sun 'round us rolls
Because *we're* whirling on two poles."

"Did your sun that 'crawled not, but rolled,'
Emit rays that were hot, or cold?
And does your sun that is so bright,
Steal, beg, or borrow it's soft light?"

Some said: "Hot must be our sun's rays,
For 'twas quite warm through these bright days:
That sun steals light we can't presume;
Without reflecting on your moon!"

So Crow asked witnesses, each one,
"How far away shone your bright sun?"
Its distance each one merely guessed;
"Two hundred thousand miles." at best.

"We know our sun, don't you forget!"
Here Raven slyly croaked, "You bet!"
"That's all," said Crow, with frowning face;
Said Rav'n: "We rest defendant's case."

XVIII.

Testimony in Rebuttal.

Then Crow, with angry voice, said: "Call
Witnesses in rebuttal—*all!*"
And though he did the jury bore,
Called every one he'd called before.

And all, like Honest Grangers, swore
They ne'er had met Owl's gang before;
"Quite strangers, each and every one,
Ne'er seen before *in light of sun!*

"Impossible!" they all did swear,
That they'd been roaming everywhere
Throughout these woods from childhood's hour,
And never saw in tree or bower,

E'n *one* of those who've rashly sworn
That there they've lived since they were born,
And grew up in their Country Seat,
And yet themselves did never greet!

Crow seeing vantage then in reach,
Proceeded promptly to impeach
All those who had so rashly sworn
As to the place where they were born.

Each witness said: "Strangers I see,
Who strangers to the truth must be;
As from them truth cannot be had,
Their reputation must be bad!"

"Would you, sir, them on oath believe,
Who could so cunningly deceive?"
Asked Crow, and from each answer got,
"I cannot lie, sir, — *I would not!*"

XIX.

The Close.

'Midst wrecks of characters, and woes,
This cause was here brought to a close.
Each side on Court imposes task,
And many queer instructions ask.

XX.

The Instructions,

Judge Eagle the instructions fixed,
To tell the jury case was mixed
With features in it clear as Light,
While others were as dark as Night.

"And which are light and dark you'll find,
And settle who's been undermined,
And by your verdict you must say
Whether these 'nights' were nights or day.

"If all your doubts have been removed,
And cause of action you find proved,
Verdict for plaintiff then you'll find,—
Unless you are of dif'rent mind.

"And should you find said counterclaim
Is one, such as you can sustain,
Then render verdict for said Owl,—
Unless you find said nightly howl.

"If from evidence you believe
That witnesses swore to deceive,
There's nothing in the law, forsooth,
To make you find they swore the truth.

"If you find hootings in the night,
By verdict you'll set Titmouse right,—
Unless you're of opinion strong,
That 'nightly' hoots were daylight song.

"If Titmouse took advantage foul,
By night, you'll find for Mr. Owl—
E'n though you find that through each night
The *Sun* supplied the bright Moon-light.

"If this great orb that was so bright,
Rolled through the day, and not by night,
That 'twas the Sun you may presume,—
Unless you find that 'twas the Moon.

"But if this orb that was so bright,
Rolled not by day, but through the night,
Then 'twas the Moon, as our laws run,—
Unless you find that 'twas the Sun.

"If, in this case, you find and say,
Sun shone by night, and Moon by day,
Then from such facts your verdict make,—
Unless you find you've made mistake.

"If all these creatures of the sky
Were of the brain—not of the eye,—
In such queer facts *this* court ne'er delves;
Jurors must know how 'tis themselves.

"If you're 'gainst Owl, then you will guess
The least amount you should assess:
In mercy you should justice do 'im,
Under the maxim, '*Soc et tuum.*'

"If you're 'gainst Titmouse, bear in mind,
For compensation, only, find:
You've tender hearts, and must consult 'em
Under the law of *Damnum Multum.*

"Your *Unconditional Oath* must bind;
'True verdict on th' evidence find,'—
Unless you find some fact or flaw
Superior to the oath or law.

"Finding *all* heads and theories sound,
And 'twas the *World* that got turned 'round,
Then *both side's* claims prove nothing worth —
Unless you find *both* claim the Earth.

"Instructions altogether take,
Select not *one*, a case to make,
As so few points you clearly see,
Of course you cannot disagree."

XXI.

Raven's Argument.

Like calm before the tempest wild,
Lawyers, before the Battle—*smiled!*
Raven opened, and was not slow,
Daylight *through* arguments to show!

"There are stars some can see by day,
With certain Heads put on, they say,
But those who've Lost their Heads, alas!
Can only view them *through a glass!*

"But here conspiracy appears,
For *all* Tit's witnesses saw stars
By Daylight! Can't the jury see
The entire gang was on a spree?

"Strong drink's a magnifier rare:
So in small 'Dog' they saw 'Great Bear!'
And by another nipper's aid,
Each little cup 'Great Dipper' made!

"The punch that mixed Tit.'s nights with day,
Was mixed up in the *Milky Way!*
The stars that clustered in Tit.'s pate
Reflect from seas of Whisky Straight!

"Tit. loved his worms—worms of the Still—
And when of 'Horns' he'd had his fill,
Horns on all things else he'd spy,
So Horned these creatures of the sky!

' "'Twas not the horns of Owl or Moon
That worried Titmouse at high noon,
But horns that caught him in the night,
And tossed him, drunk, into daylight!

"Defendant's witnesses all say
Owl gave his concerts fine, by day;
As these are 'creatures of the night,'
They must be experts as to light!

"Crushed Crow in vain each witness mauled,
To prove that sun was 'Luna' called;
Now we'll admit, if he'll be soothed,
That Crow *one* Lunatic has proved!

Of course, Titmouse appears quite small;
So does the essence of pure *gall;*
Huge Oaks from little acorns rise,
So *rackets* don't depend on size!

"Can you believe those scamps swore true,
Who impeached those they never knew?—
Let's view Tit.'s witnesses with care,
And see what characters they bear.

"Those gloomy birds, so *Blue*, that led;
That Thug some one had painted *Red;*
That small *Black* model of a crow;
That *Sparrow-snob*—'English, you know.'

"*Woodpecker*—sweet Sucker—of sap;
Rappings with spirit kept on tap;
You know he's called, he makes such fuss,
'*Noisy, little, red-headed cuss!*'

"That jaundiced bird of *Saffron* hue;
Pigeon—flighty, or in some stew;
That whistling Tough of rapid flight,
The skulking *Quail—alias* 'Bob White!'

"Those birds that you heard *Mock* and *Rail;*
The Dude that wore the *Swallow-tail;*
That Pirate of high, sailing ways,
That *Hawks* his virtues when he preys.

"Shells and feathers,—reptile and bird,—
To cross, nature would deem absurd,
But in this case a broader love
Presents us with a *Turtle-Dove!*

"And really it needs but a word
To convince you 'tis quite absurd,
This 'Happy Family' in the sky,
Where 'Goats' and 'Crabs' together lie!

"Where creatures of the sea, and air,
Together find one common lair;
Where 'Bulls' and 'Bears' caught up on high,
Continue gambolling in the sky!

"A Great Menagerie!—ne'er at rest,
Grand Pageant, moving east to west,
'Great Fishes' with huge tails and fins,
Swimming' round the Virgin's 'Twins!'

"Monstrosities' convention rare,
With brilliant 'Lady in the Chair!'—
Dime Museum on Inferno's brink,
One price to all—ten cents—each drink!

"In this Great Show wonders ne'er cease,
Wild Beasts with Tame entwined in peace!
A 'Virgin' who ne'er went astray
Entangled in the Milky way!

"Sparkling wonder, on earth so rare,
A detached bunch of 'Woman's Hair!'
'Fierce Dragon!'—frightened by Owl's hoots!
'Huge Serpent!'—born of snakes in boots!

"'Great fight' twixt Jupiter and Mars
Arrested by these Shooting Stars!'
Did Mars on good ship 'Argo' sail,
To dodge his Giant Rival's 'Whale?'

"'A Crow in heaven!'—Oh! wondrous sight,
Reserv'd for only those who're tight!
'A Great Man-Horse!'-*Here's 'Half and Half!'*
Methinks I hear the *Horse part* laugh!

"'A Lyre in heaven!'—now what's that worth
When coming from such liars of earth!
One greater wonder they'll soon show,—
Just one more 'Great, Sky-scraping *Crow!*'

"'Beasts,' 'Birds,' and 'Fishes' of the sea,
All in the self-same *air* must be!—
Shakespeare has made this Old Trick stale,
With 'Weasel,' 'Camel,' and a 'Whale!'

"'Twins,' 'Bears,' and 'Dogs'—all double see
Whom Titmouse takes upon a spree!
These creatures of the Brain—not sky,—
Wiggled and squirmed in fine *Old Rye!*

"If all these Star Gazers were'nt tight,
How could they *all* miss that Grand sight,
The Sober Man's bright friend on high,
The WATER-BEARER in the sky!

"Crow will, of course, explain to you
Tit's witnesses ne'er came in view
Of Owls,' because when Owls' gained sight
'Feathers' were roosting for the night.

"Then why this jury *paralyze*
With Holy Terrors of the skies
Seen in these Roosters' *dreams* by night,
Or *through a glass* in broad day-light!

"With your fine *personnel* in sight,
I feel your verdict *must* be right,
For *Wren* o'er Owl would ne'er high fly,
And *Mr. Squirrel* stands quite high,

"And *Jackdaw*, decorated fine,
With Noble Peacocks asked to dine!
Fresh from the great 'Diet of Worms,'
Robbin from duty never squirms!

"*Kingfisher*, from standing, high and steep,
Beneath the surface sees quite deep!—
So, I might say of all the rest,
Each one considered seems the best.

"The court instructs that, as to Tit.,
'*Much Damages*' in this case fit—
Owl's health was wrecked, hence you'll 'con-
Your tender hearts'—and Titmouse mulct. [sult

"Now Crow to you Great *Caws* will show!—
(Behind a Raven comes a Crow!)
But gullibility you'll disclaim
By verdict on Owl's counterclaim!"

XXII.

Crow's Argument.

Crow having closing of the case,
Said, opening with becoming grace,
"All witnesses you've heard—two bands:
One band before you *perjured* stands!

"To truth and sunlight open foes;
Which gang that is each juror knows!
Conspiracy!— dark, and well planned,
You've witnessed on this witness stand!

"You heard sarcastic Raven say
Our witnesses saw stars by day:
His witnesses are in worse plight!
Not *one* had seen the stars by night!

"Could they in these woods all have been,
By *day or night*, and not be seen?
If day had not sight of them brought,
In Chicken Coops some had been caught!

"Of course these Shoddy *Rodents* prove
That they in dif'rent Circles move,
But Circles High of witness *Hawk*,
The high pretexts of low scamps mock!

"Low circle of imported scamps!
A band of homeless, wand'ring tramps;
Drummed up, brought in this case to swear,
And with mock virtue blink and stare!

"You saw these hirelings, brought from night,
Squirm, wince and twist, in bright sunlight;
Can you name *one*, who in this case,
Could look you squarely in the face!

"Of course a Moon of 'Green Cheese' *crawled*,
Hence soft moonlight was sunlight called.
To say 'twas Sun's fierce light at noon,
Casts but reflections on the Moon!

"Would you believe those Mice o'er *Quail?*
Crickets o'er *Blue-bird?*—Weasels o'er *Rail?*
Ferrets o'er *Hawk?*—Do you believe
That Dove o'er '*Possum* could deceive?

"These creatures, with an Eagle's sight,
Described their 'Sun' that was so bright,
While in this court room, bear in mind,
The sunlight almost *struck them blind!*

"That 'Green Cheese' proved a fine Mouse-trap!
Night creatures caught in daylight nap!
Its stealthy rays, creeping and pale,
Caught '*Possum* hanging by his tail!

"Their timid *Crickets* chirped in doubt;
E'en *Ferrets* could not ferret out
'Gainst Tit.'s good name, one spark or word,
And yet we call this *angel*, 'bird!'

"And this wee bird, as we've been told,
A *barrelful*, at least, must hold
To prolong rackets through each night—
Or was he charged with *Dynamite?*

"And it's an easy thing to do,
To learn of those we never knew;
When you below your station reach,
It's *reputation* you impeach.

"We've heard here great complaints arise
About 'Menagerie' in the skies;
Naught Rav'n may croak heaven's beauty mars;
These 'Animals' are made of stars!

"For Raven's sake we did not dare
Loose roaring King Beast from his lair,
To craunch his bones!—his vitals pierce!—
Aurora Borealis fierce!

"Astronomy's a science, grand,
To those who've sense to understand;
Who calls it 'Circus' of renown,
Himself it is supplies the *Clown!*

"Who knows so much of Virgin's sins,
Must be, *himself*, one of the 'Twins!'
'Twin,' 'Bear,' and 'Dog'—as well as I,
You know they're doubled in the sky!

"And we'll admit, for reasoning's sake,
That none saw stars while not awake,
But who aroused, and made them see?
Defendant!—hooting on a spree!

"The Great who take poetic flight
Wear *noms des plumes* like 'Robert White:'
Thug, Pirate, Snob, Dude, Sucker, Tough,
Are *noms des plumes*—of one Black Rough!

"Where Red,—Brown,—Blue, on truth combine,
White Rav'n would draw the 'Color Line!'
All brilliant plumage he'd attack—
The *Rainbow* guyed by Filthy Black!

"This 'Lyre in heaven,' you understand,
Is but a Constellation, grand!
If it's the Liar of Raven—lo!
Its Brightest Star shines here below!

"'Tragedian Owl!'—Of course you laugh
When thus announced struts *Jack Falstaff!*
And see in Night Storm scene appear,
Comedian Owl as *Mad King Lear!*

"So I'm a 'Great, Sky-scraping, Crow!'
Pray tell me, did you ever know
A *Raven* charged with soaring high,
Who scrapes the *gutters* for his pie?

"'Two Hundred Thousand Miles' away!
Our bright sun blazed, you heard them say,
'Twas close to truth—suppress your smiles—
Within a Hundred Million Miles!

"This Great, Clear Fact appears to you;
Their 'Bright Sun' they could clearly view!
That they viewed *sunlight* we'll assume—
Sunlight *reflected* from the Moon!

"Conclusion you can't reach too soon,
That their 'Bright Sun' was our pale Moon,
Unless you credit those, forsooth,
Ninety-Five Million Miles from truth!

"Whether in feathers, or in fur,
In your high standing I concur,
But why did Rav'n *fur* jurors slight?
Because he thought *you* were 'all right!'

"When I, in fur, such virtues see,
I, too, infer you'll 'all right' be:
Take juror *Fox*—none higher than he—
Run after by Nobility!

"*Polecat*—Where's one more strong or pure!
Frog—Toadys not to Epicure!
Coon—of Free Race the honored name!
Bat—hero of great Base Ball fame!

"*Mink*—a gallant! none o'er him stand
In shielding ladies of the land!
Rat—a blessing for public use—
Free scavenger of all refuse!

"Judge Eagle's clear instructions bind;
'In Mercy you must *Justice* find;'
But Mercy justice ne'er denies,
Hence '*Sock it to him!*' Mercy cries!

"Our witnesses believe, you must,
And make Owl 'come down with the Dust!'
And by your righteous verdict say,
Hereafter Owls must hoot by day!"

XXIII.

The jury, on such wisdom fed,
Filed out of court with solemn tread,
To secretly digest this batch,
And glimpses of some light to catch,

To turn upon this tangled mass
Of Darkness, Daylight, Stars, and Glass,
Beasts, Reptiles, Fishes of the sea,
Old Rye, Milk Punches, and Strong Tea!

XXIV.

In the Jury Room.

Jackdaw, himself the foreman made,
Called twelve to order, then he said;
"From evidence we need not quote,—
We'll first take an informal vote."

The ballot showed, in numbers round,
That *Five* had for the plaintiff found;
That *Seven* for Owl stood to maintain
A verdict on his counterclaim.

Where *five* agreed upon daylight,
Seven persisted it was night!
Where, through the *dark* Five saw the night,
Seven could not see it in that *light!*

Discussion here took place, and then
Jurors *Jackdaw*, *Squirrel*, and *Wren*,
Robbin, and *Kingfisher*, agree
That this case in same light they see.

But jurors *Fox*, *Coon*, *Frog*, and *Rat*,
Polecat, and *Mink*, and juror *Bat*,
Of course saw things in dif'rent light,
And thought Owl's theories quite right.

They found,—from all the evidence,
According to their nat'ral sense,
As God had bade them view light's rays,—
They found Titmouse's 'nights' were *days*.

And whether much, or none, he took,
They through his glass refused to look.
Said *Bat:* "Unless our nature's changed,
Or you can show we're quite deranged,

"Then our experiences and light
All clearly teach us day from night,
And time to sleep, and time to wake,
For Nature never makes mistake!"

Then Foreman *Jackdaw*, for the Five
"Daylight" jurors, said: "To arrive
At such a *dark* conclusion, we
Must be so changed that we can see

"A point in darkness, where we're blind,
And be unlike all of our kind,
Whom God hath given only sight
To see a point in broad daylight!"

So jurors, by comparing notes,
Discussing, and in taking votes,
FOUND—that they ne'er could set things right,
The days were so mixed up with night!

Jurors, like witnesses, each kind,
Could see where others all were blind:
By *nature* failed alike to see,
Hence could not fail to disagree.

XXV.

Moral.

In Law, for trifles light as air,
To boldly plunge let all beware,
Unless prepared to prove outright
That night is day, and day is night!

Law's Sun which makes a just cause bloom
May be eclipsed by Fact's Dark Moon,
While glit'ring stars which prove the night
Thick fogs or mists may hide from sight.

Before you sail o'er troubled waves
That roll o'er many wat'ry graves,
Select a compass, true, and right,
That's safe to trust by day or night.

With sprouts, bright leaves and flowers of Spring,
The *Plants* in law bright hopes may bring.
But few foretell from flower or root
The kind or flavor of their fruit.

In raw aspect your case may be,—
Without bright leaves or flowers,—a Tree;
It's quality found bad or good
From Shape or Size—not from it's wood.

To know plain facts do'nt plain facts prove;
We know the Sun and Planets move:
We prove the Moon's bright light by all;
We know it sheds no light at all!

Your the'ry may be true and strong,
Yet th'opposite may not be wrong;
Viewed from two standpoints,–day, and night,–
Both may be wrong, and both be right.

Claims to the Earth, by day or night,
Are not *disproved* by Stars or Light;
To "Boom" needs but the "Stars", of Gab
To supplement a *Gift of Grab!*

Lawyers should be of good report
Who keep their clients *out* of court:
As last resort consent to vex,
And simple matters make complex.

'Glorious Uncertainty of Law'
May spring from some small, occult flaw,
But the certainty the Law lacks,
May spring from more uncertain "Facts,"

Which jurors look at through their specs,—
Which may be concave, or convex,—
Each sees through, unlike his fellow,
Red, or Green, or Blue, or Yellow.

From Legal Cloth law cuts with tact
Garments to fit each Naked Fact;
To try them on the jurors sit
And prove *themselves* a Grand Misfit!

Jurors with diff'rent heads and necks,
Have diff'rent lenses to their specs.,
Which broaden, or elongate facts,
Or make small footprints Monster Tracks!

When jurors have been sadly mixed,
Their various views are strongly fixed:
For views to fit to every face,
Provide a many sided case.

Be sure your cause will seem quite right,
When closely viewed by day or night
From any angle, and prove true
From Low standpoints, or Birdseye view.

On "Crazy Quilts" Law sometimes makes
Fantastic Dragons, Owls and Snakes,
With threads of *Gold, Red, Blue* and *Green*,
But on which *Cupid* ne'er was seen.

Law prompts a "Tug-of-War" which strains
Facts in dispute with skill and *pains*;
And oft', when stretched through weary years,
The *subject-matter* disappears!

Blows that are struck by legal hand
The *parties*—not the laws—demand:
Lawyers, like shears, are bright and keen
And meet to cut—what's placed between.

Grand Science colors trifles high,
As sunshine paints the rainbow-sky;
As glowing coals will make more bright
The little sparks they gild with light.

Like other ills of human life,
Unwelcomed comes harsh legal strife:
With "symptoms" clear, and motives pure,
The *Doctors* may prescribe a cure.

Like all weapons by public used,
These Loaded Laws may be abused:
One's free to take, and load, and aim
At Owls, or more respectedgame;

But when you take Law's Gun, and load
To kill according to the Code,
So load, that gun to silence hoots,
Will not *kick* harder than it shoots!

"Pot-Hunter" may at one bird aim,
Yet Bring to Bag a "Heap" of slain!
Chance "Murder" breeds a "killing" class
That *Millions!* scent in Legal Grass.

While jurors may, with patience, hear,
And seem the Law and Courts to fear,
Still *under-currents* they conceal,
Drown what they hear in what they *feel.*

While Fountain Heads of facts appear
From evidence that jurors hear,
Harsh rules of Law on dull ears fall;
EXPERIENCE outweighs them all!

THE END

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